



#6/sub. Dec.
5/10/01
C. McKunney

PTO/SB/51 (12-97)
Approved for use through 9/30/00. OMB 0651-0033
Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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REISSUE APPLICATION DECLARATION BY THE INVENTOR

Docket Number (Optional)

DENSE-015X

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is described and claimed in patent number 5,869,353, granted 02/09/1999, and for which a reissue patent is sought on the invention entitled MODULAR PANEL STACKING PROCESS

the specification of which

☐ is attached hereto.

☒ was filed on 08/03/2000 as reissue application number 09 / 633,297
and was amended on _____
(If applicable)

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

I verily believe the original patent to be wholly or partly inoperative or invalid, for the reasons described below. (Check all boxes that apply.)

☐ by reason of a defective specification or drawing.

☒ by reason of the patentee claiming more or less than he had the right to claim in the patent.

☐ by reason of other errors.

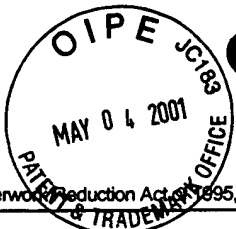
At least one error upon which reissue is based is described as follows:

Applicant's failure to prosecute apparatus claims directed to a chip stack in U.S. Application No. 08/971,499 which matured into U.S. Patent No. 5,869,353.

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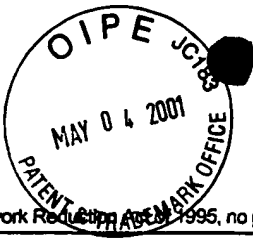
[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 0.5 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



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(REISSUE APPLICATION DECLARATION BY THE INVENTOR, page 2)		Docket Number (Optional) DENSE-015X	
All errors corrected in this reissue application arose without any deceptive intention on the part of the applicant. As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.			
Name(s)		Registration Number	
Kit M. Stetina		29,445	
Correspondence Address: Direct all communications about the application to:			
<input checked="" type="checkbox"/> Customer Number		007663	
OR		Type Customer Number here	
		Place Customer Number Bar Code Label here	
<input checked="" type="checkbox"/> Firm or Individual Name	Kit M. Stetina		
Address	STETINA BRUNDA GARRED & BRUCKER		
Address	75 Enterprise, Suite 250		
City	Aliso Viejo	State	CA ZIP 92656
Country	United States		
Telephone	(949)855-1246	Fax	(949)855-6371
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.			
Full name of sole or first inventor (given name, family name)			
Aaron Uri Levy			
Inventor's signature			
nonsigning inventor - completed on added page			
Residence		Date	
Huntington Beach, California			
Post Office Address 7451 Warner Ave., Ste. E-120		Citizenship	
Huntington Beach, CA 92647		U.S.	
Full name of second joint inventor (given name, family name)			
John Patrick Sprint			
Inventor's signature		Date	
Residence		Citizenship	
Huntington Beach, California		United States	
Post Office Address 5492 Maryport Drive Huntington Beach, CA 92649			
Full name of third joint inventor (given name, family name)			
John Arthur Forthun			
Inventor's signature		Date	
Residence		Citizenship	
Glendora, California		United States	
Post Office Address 1109 La Flora Lane Glendora, CA 91741			
<input type="checkbox"/> Additional joint inventors are named on separately numbered sheets attached hereto.			



(REISSUE APPLICATION DECLARATION BY THE INVENTOR, page 2)

Docket Number (Optional)
DENSE-015X

All errors corrected in this reissue application arose without any deceptive intention on the part of the applicant. As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Name(s) Registration Number

Kit M. Stetina 29,445

Correspondence Address: Direct all communications about the application to:

☒ Customer Number

007663

OR

Type Customer Number here

Place Customer Number Bar-
Code Label here

☒ Firm or
Individual Name

Kit M. Stetina

Address STETINA BRUNDA GARRED & BRUCKER

Address 75 Enterprise, Suite 250

City Aliso Viejo State CA ZIP 92656

Country United States

Telephone (949)855-1246 Fax (949)855-6371

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.

Full name of sole or first inventor (given name, family name)

Aaron Uri Levy

Inventor's signature

Residence Date

Huntington Beach, California

Post Office Address 7451 Warner Ave.,

Suite E-122, Huntington Beach, CA 92647 U.S.

Full name of second joint inventor (given name, family name)

John Patrick Sprint

Inventor's signature Date

Residence Citizenship

Huntington Beach, California United States

Post Office Address 5492 Maryport Drive
Huntington Beach, CA 92649

Full name of third joint inventor (given name, family name)

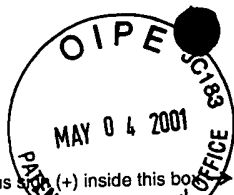
John Arthur Forthun

Inventor's signature Date

Residence Citizenship
Glendora, California United States

Post Office Address 1109 La Flora Lane
Glendora, CA 91741

☐ Additional joint inventors are named on separately numbered sheets attached hereto.



Please type a plus sign (+) inside this box ☒

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

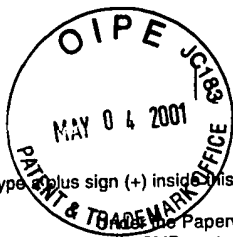
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DECLARATION	ADDITIONAL INVENTOR(S) Supplemental Sheet Page ___ of ___
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Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor					
Given Name (first and middle [if any])				Family Name or Surname			
Harlan Ruben				Isaak			
Inventor's Signature	<i>Harlan Ruben Isaak</i>					Date	
Residence: City	Costa Mesa	State	CA	Country	U.S.A.	Citizenship	U.S.A.
Post Office Address	2870 Chios Rd.						
Post Office Address							
City	Costa Mesa	State	CA	ZIP	92626	Country	U.S.A.
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor					
Given Name (first and middle [if any])				Family Name or Surname			
Joel Andrew				Mearig			
Inventor's Signature	<i>Joel Mearig</i>					Date	3-5-01
Residence: City	Huntington Beach	State	CA	Country	U.S.A.	Citizenship	U.S.A.
Post Office Address	10082 Kukui Dr.						
Post Office Address							
City	Huntington Beach	State	CA	ZIP	92646	Country	U.S.A.
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor					
Given Name (first and middle [if any])				Family Name or Surname			
Mark Chandler				Calkins			
Inventor's Signature						Date	
Residence: City	Huntington Beach	State	CA	Country	U.S.A.	Citizenship	U.S.A.
Post Office Address	17237 Apek Lane						
Post Office Address							
City	Huntington Beach	State	CA	ZIP	92649	Country	U.S.A.

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Please type plus sign (+) inside this box → ☒

PTO/SB/02A (3-97)
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DECLARATION

ADDITIONAL INVENTOR(S)
Supplemental Sheet
Page ___ of ___

Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor					
Given Name (first and middle (if any))				Family Name or Surname			
Harlan Ruben				Isaak			
Inventor's Signature						Date	
Residence: City	Costa Mesa	State	CA	Country	U.S.A.	Citizenship	U.S.A.
Post Office Address	2870 Chios Rd.						
Post Office Address							
City	Costa Mesa	State	CA	ZIP	92626	Country	U.S.A.
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor					
Given Name (first and middle (if any))				Family Name or Surname			
Joel Andrew				Mearig			
Inventor's Signature	<i>JOEL M. MEARIG</i>					Date	3-5-01
Residence: City	Huntington Beach	State	CA	Country	U.S.A.	Citizenship	U.S.A.
Post Office Address	10082 Kukui Dr.						
Post Office Address							
City	Huntington Beach	State	CA	ZIP	92646	Country	U.S.A.
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor					
Given Name (first and middle (if any))				Family Name or Surname			
Mark Chandler				Calkins			
Inventor's Signature	<i>Mark Calkins</i>					Date	4/3/01
Residence: City	Huntington Beach	State	CA	Country	U.S.A.	Citizenship	U.S.A.
Post Office Address	17237 Apfel Lane						
Post Office Address							
City	Huntington Beach	State	CA	ZIP	92649	Country	U.S.A.

Burden Hour Statement: This form is estimated to take 0.4 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



FORM 1-4

1-35

Practitioner's Docket No. DENSE-015X

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**ADDED PAGE TO COMBINED DECLARATION
AND POWER OF ATTORNEY FOR SIGNATURE BY JOINT INVENTOR(S)
ON BEHALF OF NONSIGNING INVENTOR(S) WHO REFUSE(S)
TO SIGN OR CANNOT BE REACHED (37 CFR 1.47(a))**

WARNING: "37 C.F.R. § 1.47(a) and 35 U.S.C. § 116 ¶ 2 require all available joint inventors to file an application 'on behalf' of themselves and on behalf of a joint inventor who 'cannot' be found or reached after diligent effort" "or who refuses to 'join in the application.'" M.P.E.P. § 409.03(e), 6th ed., rev. 3 (emphasis added). See also 62 Fed. Reg. 53,131, 53,137, 203 O.G. 68 (Oct. 10, 1997).

I. I am an above named joint inventor and have signed this declaration on my own behalf and also sign this declaration under 37 CFR 1.47(a) on behalf of the nonsigning joint inventor, particulars for whom are:

Full name of (first, second, etc.) Aaron Uri Levy
nonsigning inventor who

- ☐ refuses to sign
☒ cannot be found or reached

NOTE: The name of the nonsigning inventor(s) should preferably also be filled in at the appropriate prior space in the declaration, adding the words "nonsigning inventor-completed on added page."

United States

Country of Citizenship of nonsigning inventor

7451 Warner Avenue, Suite E-122

Last known address of nonsigning inventor

Huntington Beach, CA 92647

NOTE: Ordinarily, the last known address will be the last known residence of the nonsigning inventor(s). A post office box is insufficient. Other addresses at which the nonsigning inventor(s) may be reached should also be given. These can best be given in the Statement Of Facts In Support Of Filing On Behalf Of Omitted Inventor. MPEP § 409.03(e), 6th ed.

II. Accompanying this declaration is:

(1) A STATEMENT OF FACTS IN SUPPORT OF FILING ON BEHALF OF NONSIGNING INVENTOR

(2) THE PETITION FEE OF \$130.00 (37 CFR 1.17(i))

John Patrick Sprint

(type or print name of joint inventor
signing on behalf of nonsigning
inventor)

John Arthur Forthun

Harlan Ruben Isaak

Joel Andrew Mearig

Mark Chandler Calkins

John Patrick Sprint
Signature

John Arthur Forthun

Harlan Ruben Isaak

(Ref. 75-596 Pub. 603)

FORM 1-4

1-35



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Petitioner's Docket No. DENSE-015X

**ADDED PAGE TO COMBINED DECLARATION
AND POWER OF ATTORNEY FOR SIGNATURE BY JOINT INVENTOR(S)
ON BEHALF OF NONSIGNING INVENTOR(S) WHO REFUSE(S)
TO SIGN OR CANNOT BE REACHED (37 CFR 1.47(a))**

WARNING: "37 C.F.R. § 1.47(a) and 35 U.S.C. § 116 ¶ 2 require all available joint inventors to file an application "on behalf" of themselves and on behalf of a joint inventor who "cannot" be found or reached after diligent effort" "or who refuses to 'join in an application.'" M.P.E.P. § 409.03(a), 6th ed., rev. 3 (emphasis added). See also 62 Fed. Reg. 53,331, 53,137, 203 O.G. 68 (Oct. 10, 1997).

I. I am an above named joint inventor and have signed this declaration on my own behalf and also sign this declaration under 37 CFR 1.47(a) on behalf of the nonsigning joint inventor, particulars for whom are:

Full name of (first, second, etc.) Aaron Uri Levy
nonsigning inventor who

- ☐ refuses to sign
☒ cannot be found or reached

NOTE: The name of the nonsigning inventor(s) should preferably also be filled in at the appropriate prior space in the declaration, adding the words "nonsigning inventor-completed on added page."

United States
Country of Citizenship of nonsigning inventor
7451 Warner Avenue, Suite E-122
Last known address of nonsigning inventor
Huntington Beach, CA 92647

NOTE: Ordinarily, the last known address will be the last known residence of the nonsigning inventor(s). A post office box is insufficient. Other addresses at which the nonsigning inventor(s) may be reached should also be given. These can best be given in the Statement Of Facts In Support Of Filing On Behalf Of Omitted Inventor. MPEP § 409.03(e), 6th ed.

II. Accompanying this declaration is:

- (1) A STATEMENT OF FACTS IN SUPPORT OF FILING ON BEHALF OF NONSIGNING INVENTOR
(2) THE PETITION FEE OF \$130.00 (37 CFR 1.17(l))

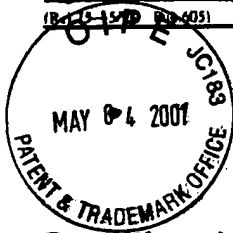
John Patrick Sprint
(type or print name of joint inventor
signing on behalf of nonsigning
inventor)

Signature

John Arthur Forthun
Harlan Ruben Isaak
Joel Andrew Mearig
Mark Chandler Calkins

Mark Calkins

(Added Page to Combined Declaration and Power of Attorney For Signature By One Joint Inventor on Behalf of Nonsigning Inventor(s) Who Refuse(s) to Sign or Cannot Be Reached [1-4]—page 1 of 1)



FORM 1-4

1-35

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Practitioner's Docket No. DENSE-015X

**ADDED PAGE TO COMBINED DECLARATION
 AND POWER OF ATTORNEY FOR SIGNATURE BY JOINT INVENTOR(S)
 ON BEHALF OF NONSIGNING INVENTOR(S) WHO REFUSE(S)
 TO SIGN OR CANNOT BE REACHED (37 CFR 1.47(a))**

WARNING: "37 C.F.R. § 1.47(a) and 35 U.S.C. § 116 ¶ 2 require all available joint inventors to file an application 'on behalf' of themselves and on behalf of joint inventor who 'cannot' be found or reached after diligent effort" "or who refuses to 'join in an application.'" M.P.E.P. § 409.03(a), 6th ed., rev. 3 (emphasis added). See also 62 Fed. Reg. 53,131, 53,137, 2003 O.G. 68 (Oct. 10, 1997).

I. I am an above named joint inventor and have signed this declaration on my own behalf and also sign this declaration under 37 CFR 1.47(a) on behalf of the nonsigning joint inventor, particulars for whom are:

Full name of (first, second, etc.) Aaron Uri Levy
 nonsigning inventor who

- ☐ refuses to sign
☒ cannot be found or reached

NOTE: The name of the nonsigning inventor(s) should preferably also be filled in at the appropriate prior space in the declaration, adding the words "nonsigning inventor-completed on added page."

United States
 Country of Citizenship of nonsigning inventor
7451 Warner Avenue, Suite E-122
 Last known address of nonsigning inventor.
Huntington Beach, CA 92647

NOTE: Ordinarily, the last known address will be the last known residence of the nonsigning inventor(s). A post office box is insufficient. Other addresses at which the nonsigning inventor(s) may be reached should also be given. These can best be given in the Statement Of Facts In Support Of Filing On Behalf Of Omitted Inventor. MPEP § 409.03(e), 6th ed.

II. Accompanying this declaration is:

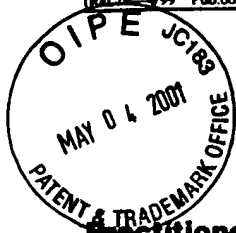
- (1) A STATEMENT OF FACTS IN SUPPORT OF FILING ON BEHALF OF NONSIGNING INVENTOR
 (2) THE PETITION FEE OF \$130.00 (37 CFR 1.17(l))

John Patrick Sprint
 (type or print name of joint inventor
 signing on behalf of nonsigning
 inventor)

Signature

John Arthur Forthun
Harlan Ruben Isaak
Joel Andrew Mearig
Mark Chandler Calkins

X Harlan Ruben Isaak

Practitioner's Docket No. DENSE-015X**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

For: MODULAR PANEL STACKING PROCESS

the specification of which:

(check and complete (a), (b), or (c))

- (a) ☐ is attached hereto.
- (b) ☒ was filed on August 3, 2000, as Application Serial No. 09 633,297 and was amended on 08/03/2000 (if applicable).
- (c) ☐ was described and claimed in International Application No. _____ filed on _____ and as amended on _____ (if any).

**STATEMENT OF FACTS IN SUPPORT OF FILING
ON BEHALF OF NONSIGNING INVENTOR (37 C.F.R. § 1.47)**

NOTE: This statement as to the pertinent facts concerning the refusal of the nonsigning inventor to join in the application or where the omitted inventor cannot be found or reached must accompany the declaration signed on behalf of the omitted inventor by a joint inventor or by a legal representative who shows a proprietary interest. Where the entity with a proprietary interest executes the declaration on behalf of the omitted inventor there must also be a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage. 37 C.F.R. §§ 1.47(a) and (b).

This statement is made as to the exact facts that are relied upon to establish the diligent effort made to secure the execution of the declaration by the nonsigning inventor for the above-identified patent application before deposit thereof in the Patent and Trademark Office.

(check next item, if applicable)

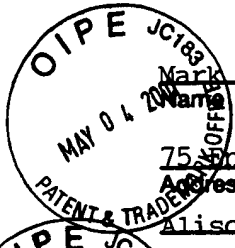
- ☐ Because signing on behalf of the nonsigning inventor is by a person or entity showing a sufficient proprietary interest, this statement also recites facts as to why this action was necessary to preserve the rights of the parties or to prevent irreparable damage.

This statement is being made by the available person having first-hand knowledge of the facts recited therein.

NOTE: The statement "must be signed, where at all possible, by a person having first-hand knowledge of the facts recited therein." M.P.E.P. § 409.03(d), 7th ed. If different persons have first-hand knowledge of different facts, then a declaration from each such person as to those facts he or she knows should be submitted separately.

NOTE: Copies of documentary evidence, such as certified mail return receipt, cover letter of instructions, telegrams, etc., that support a finding that the nonsigning inventor could not be reached should be made part of the affidavit or declaration. It is important that the affidavit or declaration contain statements of fact as opposed to conclusions. M.P.E.P. § 409.03(d), 7th ed.

IDENTIFICATION OF PERSON MAKING THIS STATEMENT OF FACTS



Mark B. Garred

75 Enterprise, Suite 250

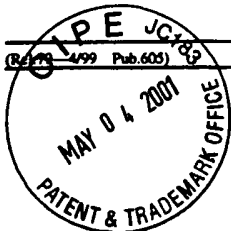
Address

Aliso Viejo, CA 92656

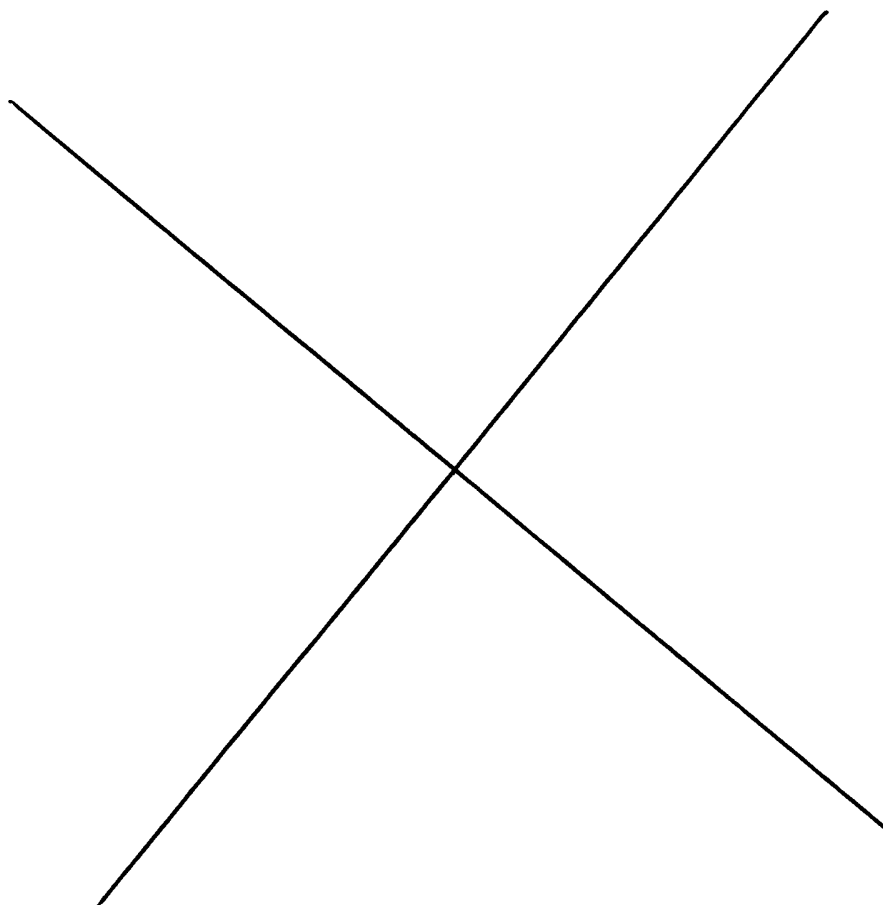


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(Statement of Facts in Support of Filing on Behalf of Nonsigning Inventor [1-6]—page 2 of 8)

**EFFORTS DURING CONVENTION YEAR TO PREPARE APPLICATION AND
OBTAIN INVENTOR'S SIGNATURE**

NOTE: In cases where priority under 35 U.S.C. § 119 is to be claimed, the 37 C.F.R. § 1.47 applicant should explain what efforts, if any, were made during the Convention year to prepare the application and obtain the inventor's signature thereon. The period allowed by the Convention year should "be sufficient for the preparation and deposit of an application . . . in the form required by the rules." . . . Accordingly, 37 C.F.R. § 1.47 may not be used "to save the parties from the consequences of their delay." M.P.E.P. § 409.03(d), 7th ed.

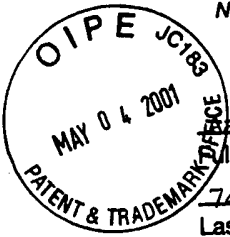


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(use Supplemental Page(s), if necessary)

LAST KNOWN ADDRESS OF THE NONSIGNING INVENTOR

NOTE: The last known address of the nonsigning inventor must be stated so that the PTO can forward the notice of filing of the application to the nonsigning inventor at said address. (37 C.F.R. § 1.47). A post office box is insufficient. M.P.E.P. § 409.03(e), 6th ed.



Baron Uri Levy

Full name of nonsigning inventor

7451 Warner Avenue, Suite E 122

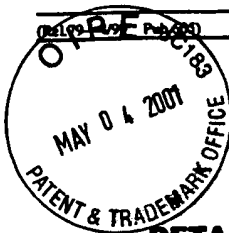
Last known address of nonsigning inventor

Huntington Beach, CA 92647

NOTE: Ordinarily, the last known address will be the last known residence of the nonsigning inventor, but other addresses at which the nonsigning inventor may be reached should also be given in the space below. M.P.E.P. § 409.03(e), 6th ed.

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(Statement of Facts in Support of Filing on Behalf of Nonsigning Inventor [1-6]—page 4 of 8)

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TECHNOLOGY CENTER 2800**DETAILS OF EFFORTS TO REACH NONSIGNING INVENTOR**

NOTE: Complete either these facts or the facts as to REFUSAL OF NONSIGNING INVENTOR TO SIGN APPLICATION PAPERS.

NOTE: In addition to a recitation of these efforts, which must have been made before the application was deposited in PTO, copies of documentary evidence such as letters, telegrams, responses, etc. that support a finding that a nonsigning inventor could not be found or reached should, if available, be made part of the declaration. It is important that the affidavit or declaration contain statements of fact as opposed to M.P.E.P. § 409.03(d), 7th ed. conclusions.

The present application is a reissue of Serial No. 08/971,499 which issued as U.S. Patent No. 5,869,353 on February 9, 1999. The declaration for the '499 Application was executed by six (6) inventors, one of whom was identified as Aaron U. Levy. Mr. Levy is the first named inventor in the '353 Patent. As indicated on the face of the '353 Patent, the same was assigned to Dense-Pac Microsystems, Inc. ("Dense-Pac") of Garden Grove, California.

Some time ago, Mr. Levy left the employ of Dense-Pac under acrimonious circumstances. When Applicant was instructed to submit a new reissue application declaration in the initial Office Action rendered in relation to the subject reissue application, Applicant attempted to establish communication with Mr. Levy for the purpose of securing his signature on such new reissue application declaration. More particularly, a Certified Letter (Article No. 7099 3400 0018 0210 8055) postmarked March 15, 2001 was forwarded to Mr. Levy at his last known address requesting that he execute the reissue application declaration. This Certified Letter was returned to Applicant due to Mr. Levy no longer being at the address specified therein. True and correct copies of the front and back of the returned Certified Letter envelope are attached hereto as Exhibits A and B, respectively. Applicant no longer knows or has been able to determine the current whereabouts of Mr. Levy.

(use Supplemental Page(s), if necessary)

**DETAILS OF REFUSAL OF NONSIGNING INVENTOR
TO SIGN APPLICATION PAPERS**

NOTE: Complete either these facts or the facts as to **DETAILS OF EFFORTS TO REACH NONSIGNING INVENTOR**.

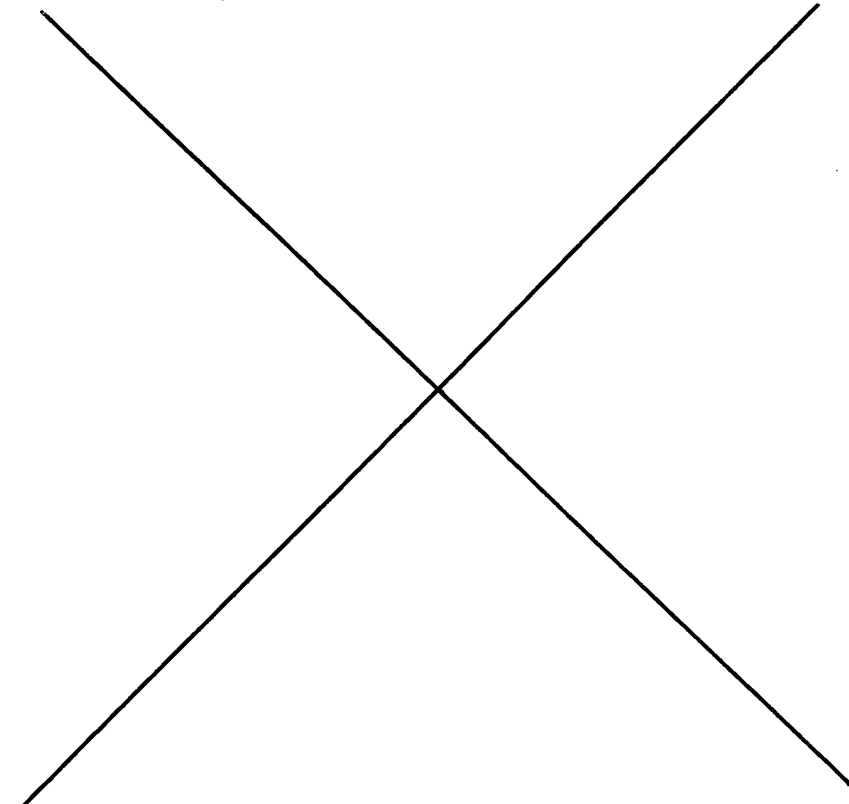


NOTE: The circumstances of this refusal must be specified by the person to whom the refusal was made and, before a refusal can be alleged, it must be demonstrated that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings and declaration) to the nonsigning inventor for signature. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney. The time and place of an oral refusal should be stated, or a copy of the written refusal should be attached.

If it is the conduct as a whole of the nonsigning inventor that is the refusal, then all the facts upon which this conclusion is based should be stated and a copy of any documentary evidence supporting these facts should be attached.

Where there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the affidavit or declaration. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the affidavit or declaration.

Whenever the nonsigning inventor gives a reason for refusing to sign the application papers, that reason should be stated. M.P.E.P. § 409.03(d), 7th ed.



(use Supplemental Page(s), if necessary)

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(Statement of Facts in Support of Filing on Behalf of Nonsigning Inventor [1-6]—page 6 of 8)

**PROOF OF NEED TO PREVENT IRREPARABLE DAMAGE
OR PRESERVE THE RIGHTS OF THE PARTIES**

NOTE: This proof must be presented where the declaration is signed by a person with sufficient proprietary interest for the nonsigning inventor (37 C.F.R. § 1.47(b)), but is not a requirement when the person signing for the nonsigning inventor is a joint inventor. (37 C.F.R. § 1.47(a)).

If a statutory bar is involved, the act or publication which is believed to constitute the bar should be identified. If a claim for priority is involved, the prior application or applications should be identified.

A diligent effort to prepare the application and obtain the inventor's signature thereon must be made, even if the application is being filed to avoid a bar or to claim priority. M.P.E.P. § 409.03(g), 7th ed.

Irreparable damage may be established by showing that a filing date is necessary to (1) avoid a statutory bar or (2) make a claim for priority, which should identify the prior application(s) involved.

Preservation of the rights of the parties may be demonstrated by a showing that the nonsigning inventor may reasonably be expected to enter into competition with the person having a proprietary interest and signing on behalf of the nonsigning inventor or that a firm plan for commercialization of the subject matter of the application has been adopted.

M.P.E.P. § 409.03(g), 7th ed.

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(if this proof is not needed and not being presented,
then draw a line through this page of the form.)

(use Supplemental Page(s), if necessary)

Date: 5/1/01


Signature of person making statement

☐ Plus _____ Added Page(s)

(Statement of Facts in Support of Filing on Behalf of Nonsigning Inventor [1-6]—page 8 of 8)